

PETER D. KEISLER
Assistant Attorney General
STEVEN W. MYHRE
Acting United States Attorney
District of Nevada
GREG ADDINGTON
Assistant United States Attorney
Nevada Bar 6875
100 West Liberty, Suite 600
Reno, Nevada 89501
VINCENT M. GARVEY
Deputy Branch Director
CARLOTTA P. WELLS
Senior Trial Counsel
Federal Programs Branch
Civil Division - Room 7150
U.S. Department of Justice
20 Massachusetts Ave., NW/P.O. Box 883
Washington, D.C. 20044
Telephone: (202)514-4522
Facsimile: (202) 616-8470

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DENNIS MONTGOMERY, et al.,)	
Plaintiffs,)	
v.)	3:06-CV-00056-PMP-VPC
ETREPPID TECHNOLOGIES, INC.,)	BASE FILE
et al.,)	3:06-CV-00145-PMP-VPC
Defendants.)	

UNITED STATES' NOTICE OF FILING

Pursuant to the Court's direction and Minutes of Proceedings from the June 12, 2007, hearing in this litigation, the United States has reviewed the declaration of Dennis Montgomery and attached exhibits, which Montgomery counsel proposed submitting at the June 12, 2007 hearing, to determine whether such documents contain information protected by the military and state secrets privilege; and, if such information is contained in the documents, to remove such material. The United States has determined that the declaration and attached exhibits do contain information that is subject to the privilege; and, has redacted such information from the

1 declaration and attached exhibits.¹

2 In addition, pursuant to the Minutes of Proceedings from the June 12, 2007, hearing in
3 this litigation, the United States reserves any further response to the declaration of Dennis
4 Montgomery in opposition to the Department of Defense's Motion for Protective Order because
5 Montgomery's declaration addresses the merits of his case, i.e., the "effect" of the protective
6 order on his case, and not the matter or issue currently before the Court, i.e., the information or
7 categories of information sought to be protected. As the Court properly stated at the June 12,
8 2007 hearing, the "effect" of the protective order will have whatever impact it has. At present,
9 the civil case should go forward and the "effect" of the protective order will be addressed as the
10 case proceeds.

11 DATED: June 22, 2007

12 Respectfully submitted,

13 PETER D. KEISLER
14 Assistant Attorney General

15 STEVEN W. MYRHE
16 Acting United States Attorney
District of Nevada

17 GREG ADDINGTON
18 Assistant United States Attorney
Nevada Bar 6875
19 100 West Liberty, Suite 600
20 Reno, Nevada 89501
21
22
23
24

25 ¹ The redacted and unredacted declaration and attached exhibits are stored with the U.S.
26 Department of Justice Security & Emergency Planning Staff/Litigation Security Office. Counsel
27 for the United States will arrange with the parties to retrieve any information covered by the
privilege and provide redacted versions of the declaration and attached exhibits.

VINCENT M. GARVEY
Deputy Branch Director

/s/ Carlotta P. Wells
CARLOTTA P. WELLS
Senior Trial Counsel
Federal Programs Branch
Civil Division - Room 7150
U.S. Department of Justice

20 Massachusetts Ave., NW
P.O. Box 883
Washington, D.C. 20044

Counsel for United States
Department of Defense